

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PUEBLO OF JEMEZ, a federally
recognized Indian tribe, Case No. 1:12-cv-800(RCB)(JHR)
Plaintiff,

VS.

UNITED STATES OF AMERICA,
Defendant,

and

NEW MEXICO GAS COMPANY,
Defendant-in-Intervention.

DEPOSITION OF TODD LORETTO

Tuesday, January 16, 2018
9:08 a.m.
7424 4th Street, NW
Albuquerque, New Mexico

PURSUANT TO THE FEDERAL RULES OF CIVIL
PROCEDURE this deposition was:

TAKEN BY: PETER KRYN DYKEMA, ESQ.
FOR DEFENDANT UNITED STATES OF AMERICA

REPORTED BY: MAUREEN R. COSTELLO, CCR
New Mexico CCR No. 220
Hunnicut, Costello Reporting
Post Office Box 68
Glorieta, New Mexico 87535

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1 Q. And you also learned from Martin Toya and Eloy
2 Chinana and others that the last time the Pecos Eagle
3 Society conducted an initiation within the Valles Caldera
4 was 1949.
5 A. Yes, sir.
6 Q. Okay. And if I understood correctly, it's your
7 understanding that in between those periods, roughly the
8 very beginning of the 1900s and 1949, there may have been
9 other activities by the Pecos Eagle Society within the
10 Valles Caldera, but you're a little fuzzier on that.
11 A. Yes, sir. Yes, sir.
12 Q. Have I gotten the gist of that right?
13 A. Yes, sir, you did.
14 MR. DYKEMA: Let's take a couple minutes while I
15 wrestle with this.
16 MR. SOLIMON: Sure.
17 Do you want to break?
18 THE WITNESS: Sure. I'll get some water.
19 (From 9:44 to 9:53 a.m. a recess was taken.)
20 Q. (BY MR. DYKEMA) Okay. We now have in front of us
21 a map of the Valles Caldera National Preserve; and you had
22 indicated that your great-grandfather, Juan Luis Pecos, had
23 described to you his first experience in the Valles
24 Caldera, and you indicated where that was. Can you, using
25 the map, do you have a specific notion of where it was your

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1 great-grandfather went when he first visited as a member of
2 the Pecos Eagle Society?
3 A. Well, it's in here (indicating). It's in this
4 area (indicating).
5 Q. Do you agree with me that what you're indicating
6 is the northeast corner of the Caldera?
7 A. Yes, the northeast corner. Yeah, this is the
8 northeast corner. Yeah, this is the entrance on the map to
9 the Preserve now. Well, the thing is when Martin Toya --
10 We knew where grandpa -- my great-grandfather was speaking
11 about was on the north side of this area, this peak,
12 (indicating).
13 Q. On the north of Cerro del Medio.
14 A. Yes.
15 Q. Okay.
16 A. Well, Martin Toya, he took us -- Martin took some
17 of us, our society members, in this area right here
18 (indicating).
19 Q. In Cerros de los Posos?
20 A. Cerros de los Posos.
21 Q. Okay.
22 A. He took us here to show us where him and Eloy were
23 initiated.
24 Q. And that was in 1949?
25 A. That's when they were initiated, yeah, 1949.

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1 Q. Okay.
2 A. And he said there should still be a shrine set up
3 here somewhere yet, but, you know, I don't think we went up
4 high enough; but he knew where he was because there was
5 like a little stream, a little stream that connected to
6 this up in here (indicating) that was closer; but when we
7 were there, he was saying --
8 Q. The stream that connected into the East Fork of
9 the Jemez River?
10 A. Yeah. There's like little small streams in here
11 (indicating).
12 Q. Okay. And you're indicating the eastern side of
13 Cerro del Medio?
14 A. Yes, right here, come up in here (indicating).
15 But anyway when we were here (indicating), he was telling
16 us, you know, because we all heard the stories of where
17 they were at; so he would point in this direction
18 (indicating). They were like --
19 Q. Towards the Valle Toledo?
20 A. Yeah, Valle Toledo, this area (indicating).
21 That's where they were at, probably the forefathers like my
22 great-grandfather. That's where they would speak about.
23 It was hard for water back then, I guess. The water was
24 kind of scarce. They had to walk a long ways just to bring
25 water, like I said earlier, bring water buckets. So in

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1 1949 they came closer to the source of water so it wouldn't
2 be such a burden to transport water back and forth to camp.
3 Q. Let me make sure I've understood what you've just
4 told me. One is that Martin Toya and Eloy Chinana in
5 describing their initiation in 1949, they indicated that
6 that happened north of Cerro del Medio in the Cerros de los
7 Posos?
8 A. Yes, sir.
9 Q. And it's your understanding from your
10 great-grandfather, Juan Luis Pecos, that when he and Lucas
11 Toledo were initiated early in the 1900s, it was also in
12 that same area, general area, the Cerros de los Posos?
13 A. Yes, sir.
14 Q. Is it your understanding from those gentlemen that
15 that part of what is now the Preserve, the northeast
16 corner, was the traditional location for initiation into
17 the Pecos Eagle Society, or did it just happen to be used
18 on those occasions?
19 A. That was -- I think that was what he had
20 mentioned. This area right here (indicating), I would say
21 this whole area, this whole quadrant, this whole area, was
22 basically used for initiation.
23 Q. Okay. And am I describing it accurately when I
24 say that what you indicated with your hand is more or less
25 the eastern third of the entire Valles Caldera?